IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8453 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NAVINCHANDRA NARBHERAM KOTAK

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 8453 of 2003

MR RM CHHAYA for Petitioner No. 1

MR SN SHELAT, ADVOCATE-GENERAL, with Ms MD MEHTA, AGP, for Respondent No. 1

MR JASWANT K SHAH for Respondent No. 2

MR AMAR D MITHANI for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 14/10/2004

ORAL JUDGEMENT

RULE. Service of rule is waived by learned AGP Ms. Maithili Mehta for respondent No. 1, by learned advocate Shri Jaswant Shah for respondent No. 2 and by learned by advocate Shri Amar Mithani for respondent No. 3. At the request of the learned advocates, the petition is finally heard today.

2. Looking to the development, which has taken place during the pendency of the petition, I do not think it necessary to go into the merits of the case. Suffice it to state that the petitioner was doing business on the land, which was required by respondent No. 2 for the purpose of laying down a road. As the petitioner is to be displaced, respondents Nos. 2 and 3 are prepared to help the petitioner so that he can continue to do his business.

3. It has been submitted by learned advocate Shri Mithani appearing for respondent No. 3, in pursuance of instructions received by him from the president of respondent No. 3, that respondent No. 3 is constructing certain shopping centres, and if the petitioner applies to have a shop on lease, his application shall be duly considered. A letter giving such instructions, dated 12.7.2004, is taken on record. Similarly, learned advocate Shri Jaswant Shah has also submitted that respondent No. 2 has relocation sites and some other plots where the petitioner can be accommodated, if the petitioner submits his application for grant of a plot.

4. It has been submitted by learned advocate Shri Mithani appearing for respondent No. 3 that the plot, which has been occupied by the present petitioner, is required for the purpose of constructing a shopping centre and, therefore, it would be necessary to shift the petitioner to a different place so that the shopping centre can be constructed at the place. He has further submitted that respondent No. 3 has made an arrangement for shifting the petitioner temporarily so that upon completion of the construction of the shopping centre, the petitioner can be given a shop on lease, where he was doing his business or at a shopping centre at Vathan or at any other place. It has been assured by learned advocate Shri Chhaya appearing for the petitioner that the petitioner shall extend his cooperation to respondent no. 3 by shifting his place of business temporarily to a place, which might be given to him by way of interim arrangement.

5. If no shop is leased to the petitioner by

respondent No. 3, learned advocate Shri Shah has assured this court, in pursuance of instructions received from Shri Sharma, Town Planner, Bhachau, that respondent No. 2 shall allot a plot at one of the relocation sites in accordance with its land disposal policy.

6. In view of the aforesaid assurances given to the petitioner, learned advocate Shri Chhaya seeks permission to withdraw the petition. Permission for withdrawal of the petition is granted. The petition stands disposed of as withdrawn. Rule is discharged with no order as to costs. Ad-interim relief stands granted earlier stands vacated.

(A.R. Dave, J.)

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